

United States District Court  
for The  
District of MASSACHUSETTS

JEFFREY M. HARDY, et al  
Plaintiffs.

CIVIL ACTION  
NO. 05, 11230 JLT

✓  
KATHLEEN DENNEHY, et al.  
DEFENDANTS

DECLARATION OF JEFFREY M. HARDY  
IN SUPPORT OF PLAINTIFFS MOTION  
FOR T.R.O. AND PRELIMINARY INJUNCTION

I JEFFREY HARDY, HEREBY DECLARE, THAT:

1. THE DEFENDANTS, ON OR ABOUT 11/26/04 CONFISCATED ALL PENS (REGULAR) FROM TEN BLOCK AND D.D.U. PRISONERS. DUE TO AN "ISOLATED" INCIDENT UN-RELATED TO ANY OF THE NAMED PLAINTIFFS AND RE-ISSUED ALL SEGREGATION PRISONERS WITH "RUBBER PENS" CALLING THEM "SECURITY PENS".

2. THE NEW "RUBBER PENS" ARE COMPLETELY INADEQUATE, AND ARE ONLY GOOD TO SIGN ONE'S NAME, IT IS VERRY DIFFICULT TO WRITE WITH AND INCAPABLE OF DRAFTING EXTENSIVE "LEGIBLE" PLEADINGS.

3- IN ORDER FOR ME TO DRAFT THIS DECLARATION, I HAD TO SERIOUSLY ALTER THE PEN TO GET IT TO WRITE SOMEWHAT EFFECTIVELY.

4. AND THE DEFENDANT'S CANNOT PLEAD "SECURITY" BECOUSE THESE "RUBBER PENS" CAN BE USED EFFECTIVELY AS A WEAPON JUST LIKE A "PROPER PEN".

5. WHEN I FIRST ENTERED D.O.U THE SUPERINTENDENT HAD A POLICY THAT ALL ATTORNEY PHONE CALLS MUST BE EARNED. THIS IS STILL THE POLICY.

6. I WAS NOT ALLOWED TO CALL MY ATTORNEY UNLESS I HAVE A PHONE SLIP (WHICH IS EARNED)

7. I WAS ALSO NOT ALLOWED TO CALL MY ATTORNEY ON CERTAIN DAYS.

8. I WAS ONLY ALLOWED TO CALL MY ATTORNEY ON DAY'S IN WHICH MY "EARNED" PHONE CALLS ARE SCHEDULED.

9. IT IS IMPOSSIBLE FOR ME TO CONTACT MY ATTORNEY IN THE AM HOURS. WHICH IS THE ONLY TIME TO CONTACT HER.

10. IN ORDER TO MAKE AN ATTORNEY CALL I'M REQUIRED TO WRITE TO THE SUPERINTENDENT'S OFFICE AND REQUEST PERMISSION TO MAKE SUCH CALL. WHICH TAKES AT LEAST (1) WEEK TO RECEIVE A REPLY (IF AT ALL) IF THE SUPERINTENDANT'S OFFICE DOES APPROVE THIS ATTORNEY CALL THEN THE PHONE IS BROUGHT TO MY CELL AT WHATEVER TIME THE OFFICER CHOOSES. AND IF MY ATTORNEY ISN'T IN THE OFFICE OR I CANNOT GET THROUGH THEN I HAVE TO REPEAT THE PROCESS OF WRITING THE SUPERINTENDANT'S OFFICE TO REQUEST ANOTHER CALL, AND WAIT ANOTHER WEEK AGAIN FOR A REPLY (IF I RECEIVE ONE AT ALL)

11. FOR THE ABOVE STATED REASONS, THIS COURT SHOULD GRANT OUR MOTION FOR T.R.O AND PRELIMINARY INJUNCTION.

SIGNED UNDER THE PAINS AND PENALTIES  
OF PERJURY.

DATED 6:23:05

AFFIANT:

*Jeffrey M. Hardy*

JEFFREY M. HARDY

MCE-CEDAR-JUNCTION

P.O. Box 100

SOUTH WALPOLE, MASS 02071